PROOF

STATE OF IOWA

House Journal

WEDNESDAY, MAY 22, 2013

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JOURNAL OF THE HOUSE

One Hundred Twenty-ninth Calendar Day - Eighty-fourth Session Day

Hall of the House of Representatives Des Moines, Iowa, Wednesday, May 22, 2013

The House met pursuant to adjournment at 8:32 a.m., Speaker Paulsen in the chair.

Prayer was offered by Representative Gassman of Winnebago County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Keith Paulsen, Speaker's Page from Hiawatha.

The Journal of Tuesday, May 21, 2013, was approved.

On motion by Upmeyer of Cerro Gordo, the House was recessed at 8:34 a.m., until 10:00 a.m.

The House reconvened at 10:14 a.m., Speaker Paulsen in the chair.

The House stood at ease at 10:15 a.m., until the fall of the gavel.

The House resumed session at 11:51 a.m., Speaker Paulsen in the chair.

CONSIDERATION OF BILLS Appropriations Calendar

<u>House File 648</u>, a bill for an act relating to state and local finances by making transfers and appropriations and including effective date and applicability provisions, was taken up for consideration.

Soderberg of Plymouth offered amendment <u>H-1459</u> filed by him.

Soderberg of Plymouth offered amendment $\underline{H-1460}$, to amendment H-1459, filed by him from the floor and moved its adoption.

Amendment H-1460, to amendment H-1459, was adopted.

Soderberg of Plymouth moved the adoption of amendment $\underline{H-1459}$, as amended.

Amendment H-1459, as amended, was adopted.

Soderberg of Plymouth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 648)

The ayes were, 95:

Abdul-Samad Alons Anderson Bacon Berry Baltimore Baudler Bearinger Brandenburg Byrnes Cohoon Costello DolecheckDawson Deyoe Cownie Drake Dunkel Fisher Forbes Forristall Fry Gaines Garrett Gaskill Gassman Grassley Hagenow Heartsill Hall Hanson Hanusa Heaton Heddens Hein Hess Highfill Isenhart Hunter Huseman Jacoby Kajtazovic Kaufmann Jorgensen Kearns Kelley Klein Koester Landon Lensing Lofgren Kressig Lundby Lykam Mascher Maxwell McCarthy Miller, H. Miller, L. Moore Muhlbauer Murphy Oldson Olson, S. Olson, T. Ourth Pettengill Prichard Rayhons Riding Running-Marquardt Rogers Salmon Schultz Shaw Sheets Smith, J. Smith, M. Soderberg Staed Taylor, R. Stanerson Steckman Stutsman Taylor, T. Upmeyer Thede Thomas Vander Linden Watts Wessel-Kroeschell Winckler Worthan Windschitl Mr. Speaker Paulsen

The nays were, none.

Absent or not voting, 5:

Olson, R. Ruff Sands Wolfe

Wood

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENTS CONSIDERED House Concurred

Baltimore of Boone called up for consideration House File 620, a bill for an act relating to the economic development financial assistance duties and powers of the economic development authority by authorizing and creating fees, affecting the aggregate tax credit limit for certain economic development programs and the tax credit for the endow Iowa tax credit, authorizing the diversion of withholding tax payments for certain programs, making an appropriation, and including effective date and retroactive applicability provisions, amended by the Senate, and moved that the House concur in the Senate amendment H-1458.

The motion prevailed and the House concurred in the Senate amendment $\underline{H-1458}$.

Baltimore of Boone moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 620)

The ayes were, 94:

Abdul-Samad	Alons	Anderson	Bacon
Baltimore	Baudler	Bearinger	Berry
Brandenburg	Byrnes	Cohoon	Costello
Cownie	Dawson	Deyoe	Dolecheck
Drake	Dunkel	Fisher	Forbes
Forristall	Fry	Gaines	Garrett
Gaskill	Gassman	Grassley	Hagenow
Hall	Hanson	Hanusa	Heartsill
Heaton	Heddens	Hein	Hess
Highfill	Huseman	Isenhart	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Landon	Lensing	Lofgren	Lundby
Lykam	Mascher	Maxwell	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, S.	Olson, T.
Ourth	Pettengill	Prichard	Rayhons
Riding	Rogers	Running-Marquardt	Salmon
Schultz	Shaw	Sheets	Smith, J.

Smith, M. Soderberg Staed Stanerson Steckman Stutsman Taylor, R. Taylor, T. Vander Linden Thede Thomas Upmeyer Windschitl Watts Wessel-Kroeschell Winckler Worthan Mr. Speaker

Paulsen

The nays were, 1:

Hunter

Absent or not voting, 5:

Olson, R. Ruff Sands Wolfe

Wood

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House Concurred

Rogers of Black Hawk called up for consideration House File 614, a bill for an act appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated and including effective date and retroactive applicability provisions, amended by the Senate, and moved that the House concur in the Senate amendment $\underline{H-1318}$.

The motion prevailed and the House concurred in the Senate amendment $\underline{H-1318}$.

Rogers of Black Hawk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 614)

The ayes were, 95:

Abdul-Samad Alons Anderson Bacon Baltimore Baudler Bearinger Berry Costello Brandenburg Byrnes Cohoon Cownie Dawson Deyoe Dolecheck Drake Dunkel Fisher Forbes Forristall Fry Gaines Garrett

Gaskill Gassman Grassley Hagenow Hall Hanson Hanusa Heartsill Heddens Heaton Hein Hess Highfill Huseman Isenhart Hunter Jacoby Jorgensen Kajtazovic Kaufmann Kelley Kearns Klein Koester Landon Lofgren Kressig Lensing Lundby Lykam Mascher Maxwell McCarthy Miller, H. Miller, L. Moore Muhlbauer Murphy Oldson Olson, S. Olson, T. Pettengill Prichard Ourth Rayhons Riding Rogers Running-Marquardt Salmon Schultz Shaw Sheets Smith, J. Smith, M. Soderberg Staed Taylor, R. Stanerson Steckman Stutsman Taylor, T. Thede Thomas Upmeyer Vander Linden Watts Wessel-Kroeschell Winckler Windschitl Worthan Mr. Speaker Paulsen

The nays were, none.

Absent or not voting, 5:

Olson, R. Ruff Sands Wolfe

Wood

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 12:13 p.m., until the fall of the gavel.

The House resumed session at 12:16 p.m., Speaker Paulsen in the chair.

IMMEDIATE MESSAGES

Upmeyer of Cerro Gordo asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 614, 620** and **648.**

On motion by Upmeyer of Cerro Gordo, the House was recessed at 12:17 p.m., until 2:15 p.m.

AFTERNOON SESSION

The House reconvened at 2:50 p.m., Speaker Paulsen in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 22, 2013, adopted the Conference Committee report and passed Senate File 295, a bill for an act establishing a property tax credit for commercial, industrial, and railway property, providing penalties, making appropriations, and including implementation and applicability provisions.

MICHAEL E. MARSHALL, Secretary

CONFERENCE COMMITTEE REPORT RECEIVED (House File 215)

A conference committee report signed by the following Senate and House members was filed May 22, 2013, on <u>House File 215</u>, a bill for an act relating to and providing for education reform involving student, teacher, and administrator programs and activities under the purview of the department of education, the state board of education, the college student aid commission, school districts, and accredited nonpublic schools; providing for independent private instruction for students; providing for private instruction for students; concerning driver education by a teaching parent; making appropriations and providing for the establishment and retention of certain fees; and including transition and effective date provisions:

ON THE PART OF THE HOUSE: ON THE PART OF THE SENATE:

RON JORGENSEN, CHAIR CECIL DOLECHECK QUENTIN STANERSON HERMAN C. QUIRMBACH, CHAIR TOD R. BOWMAN JONI ERNST MARY JO WILHELM

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 215)

Jorgensen of Woodbury called up for consideration the report of the conference committee on <u>House File 215</u>, a bill for an act relating to and providing for education reform involving student, teacher, and administrator programs and activities under the purview of the department of education, the state board of education, the college student aid commission, school districts, and accredited

nonpublic schools; providing for independent private instruction for students; providing for private instruction for students; concerning driver education by a teaching parent; making appropriations and providing for the establishment and retention of certain fees; and including transition and effective date provisions, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

Jorgensen of Woodbury moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 215)

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Bacon
Baltimore	Baudler	Bearinger	Berry
Brandenburg	Byrnes	Cohoon	Costello
Cownie	Dawson	Deyoe	Dolecheck
Drake	Fisher	Forbes	Forristall
Fry	Gaines	Garrett	Gaskill
Gassman	Grassley	Hagenow	Hall
Hanson	Hanusa	Heartsill	Heaton
Heddens	Hein	Hess	Highfill
Hunter	Huseman	Isenhart	Jacoby
Jorgensen	Kajtazovic	Kaufmann	Kearns
Kelley	Klein	Koester	Kressig
Landon	Lensing	Lofgren	Lundby
Lykam	Mascher	Maxwell	McCarthy
Miller, H.	Miller, L.	Moore	Muhlbauer
Murphy	Oldson	Olson, S.	Olson, T.
Ourth	Pettengill	Prichard	Rayhons
Riding	Rogers	Running-Marquardt	Salmon
Schultz	Shaw	Sheets	Smith, J.
Smith, M.	Soderberg	Staed	Stanerson
Steckman	Stutsman	Taylor, R.	Taylor, T.
Thede	Thomas	Upmeyer	Vander Linden
Watts	Wessel-Kroeschell	Winckler	Windschitl
Wolfe	Worthan	Mr. Speaker	
		Paulsen	

The nays were, none.

Absent or not voting, 5:

Dunkel Olson, R. Ruff Sands Wood

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Upmeyer of Cerro Gordo asked and received unanimous consent that <u>House File 215</u> be immediately messaged to the Senate.

The House stood at ease at 3:00 p.m., until the fall of the gavel.

The House resumed session at 4:46 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 22, 2013, adopted the Conference Committee report and passed House File 215, a bill for an act relating to and providing for education reform involving student, teacher, and administrator programs and activities under the purview of the department of education, the state board of education, the college student aid commission, school districts, and accredited nonpublic schools; providing for independent private instruction for students; providing for private instruction for students; concerning driver education by a teaching parent; making appropriations and providing for the establishment and retention of certain fees; and including transition and effective date provisions.

Also: That the Senate has on May 22, 2013, adopted the Conference Committee report and passed Senate File 452, a bill for an act relating to state and local finances by making appropriations, providing for fees, providing for legal responsibilities, providing for certain employee benefits, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENTS CONSIDERED House Concurred as Amended

Pettengill of Benton called up for consideration <u>House File 489</u>, a bill for an act relating to various matters under the purview of the

insurance division of the department of commerce, providing penalties, and including applicability and effective date provisions, amended by the Senate amendment $\underline{H-1455}$.

Pettengill of Benton offered amendment $\underline{H-1461}$, to the Senate amendment $\underline{H-1455}$, filed by her from the floor and moved its adoption.

The motion prevailed and amendment $\underline{H-1461}$, to the Senate amendment $\underline{H-1455}$, was adopted.

Pettengill of Benton moved that the House concur in the Senate amendment <u>H</u>–1455, as amended.

The motion prevailed and the House concurred in the Senate amendment $\underline{H-1455}$, as amended.

Pettengill of Benton moved that the bill, as amended by the Senate, further amended and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 489)

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Bacon
Baltimore	Baudler	Bearinger	Berry
Brandenburg	Byrnes	Cohoon	Costello
Cownie	Dawson	Deyoe	Dolecheck
Drake	Dunkel	Fisher	Forbes
Forristall	Fry	Gaines	Garrett
Gaskill	Gassman	Grassley	Hagenow
Hall	Hanson	Hanusa	Heartsill
Heaton	Heddens	Hein	Hess
Highfill	Hunter	Huseman	Isenhart
Jacoby	Jorgensen	Kajtazovic	Kaufmann
Kearns	Kelley	Klein	Koester
Kressig	Landon	Lensing	Lofgren
Lundby	Lykam	Mascher	Maxwell
McCarthy	Miller, H.	Miller, L.	Moore
Muhlbauer	Murphy	Oldson	Olson, S.
Olson, T.	Ourth	Pettengill	Prichard
Rayhons	Riding	Rogers	Running-Marquardt
Salmon	Schultz	Shaw	Sheets
Smith, J.	Smith, M.	Soderberg	Staed
Stanerson	Steckman	Stutsman	Taylor, R.

Taylor, T. Thede Thomas Upmeyer
Vander Linden Watts Wessel-Kroeschell Winckler
Windschitl Wolfe Worthan Mr. Speaker
Paulsen

The nays were, none.

Absent or not voting, 4:

Olson, R. Ruff Sands Wood

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House Concurred

Klein of Washington called up for consideration House File 640, a bill for an act relating to liquids which are flammable or combustible, by providing for the storage, marketing, and distribution of such liquids, providing for the marketing and distribution of liquids classified as motor fuel, including a conventional blendstock for oxygenate blending, and blended and unblended gasoline and diesel fuel, providing for liability, extending the period for determining the rates of the motor fuel tax based on calculating the distribution of ethanol blended gasoline and other motor fuel, including fees and penalties, and including effective date provisions, amended by the Senate amendment H–1454.

Byrnes of Mitchell asked and received unanimous consent to withdraw amendment $\underline{\text{H-}1456}$, to the Senate amendment $\underline{\text{H-}1454}$, filed by him on May 16, 2013.

Baltimore of Boone asked and received unanimous consent to withdraw amendment $\underline{H-1457}$, to the Senate amendment $\underline{H-1454}$, filed by him and Byrnes of Mitchell on May 17, 2013.

Klein of Washington moved that the House concur in the Senate amendment H-1454.

The motion prevailed and the House concurred in the Senate amendment H-1454.

Klein of Washington moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 640)

The ayes were, 89:

Abdul-Samad Anderson Baltimore Alons Bearinger Baudler Berry Brandenburg Byrnes Cohoon Costello Cownie Drake Dawson Deyoe Dolecheck Dunkel Fisher Forristall Forbes Fry Gaines Garrett Gaskill Hall Gassman Hagenow Hanson Heddens Hanusa Heaton Hein Hess Highfill Hunter Huseman Isenhart Kajtazovic Jacoby Jorgensen Kaufmann Kearns Kelley Klein Koester Landon Lensing Kressig Lofgren Lundby Lykam Mascher Maxwell McCarthy Miller, H. Miller, L. Moore Muhlbauer Murphy Oldson Pettengill Olson, S. Olson, T. Ourth Prichard Rayhons Riding Rogers Running-Marquardt Salmon Schultz Shaw Staed Smith, J. Smith, M. Soderberg Stanerson Steckman Stutsman Taylor, T. Wessel-Kroeschell Thede Thomas Upmeyer Winckler Windschitl Wolfe Worthan Mr. Speaker Paulsen

The nays were, 7:

Bacon Grassley Heartsill Sheets

Taylor, R. Vander Linden Watts

Absent or not voting, 4:

Olson, R. Ruff Sands Wood

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Hagenow of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 489** and **640**.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 452)

A conference committee report signed by the following Senate and House members was filed May 22, 2013, on <u>Senate File 452</u>, a bill for an act relating to state and local finances by making appropriations, providing for fees, providing for legal responsibilities, providing for certain employee benefits, and providing for properly related matters, and including effective date and retroactive and other applicability provisions:

ON THE PART OF THE HOUSE: ON THE PART OF THE SENATE:

CHUCK SODERBERG, CHAIR CHRIS HALL DANIEL LUNDBY KRAIG PAULSEN LINDA UPMEYER ROBERT E. DVORSKY, CHAIR MICHAEL E. GRONSTAL PAM JOCHUM

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 452)

Lofgren of Muscatine called up for consideration the report of the conference committee on <u>Senate File 452</u>, a bill for an act relating to state and local finances by making appropriations, providing for fees, providing for legal responsibilities, providing for certain employee benefits, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, and moved the adoption of the conference committee report and the amendments contained therein.

The motion prevailed and the conference committee report was adopted.

On the question "Shall the bill pass?" (S.F. 452)

The ayes were, 96:

Abdul-Samad Baltimore Anderson Bacon Brandenburg Baudler Bearinger Berry Cohoon Costello Cownie Byrnes Dawson Deyoe DolecheckDrake Fisher Dunkel Forbes Forristall

Gaines Gaskill FryGarrett Gassman Grassley Hagenow Hall Heartsill Hanusa Hanson Heaton Heddens Highfill Hein Hess Hunter Huseman Isenhart Jacoby Jorgensen Kajtazovic Kearns Kaufmann Kellev Klein Kressig Koester Lundby Landon Lensing Lofgren Lykam Mascher Maxwell McCarthy Miller, H. Miller, L. Moore Muhlbauer Olson, S. Murphy Oldson Olson, T. Ourth Pettengill Prichard Rayhons Riding Rogers Running-Marquardt Salmon Sands Schultz Shaw Sheets Smith, J. Staed Smith, M. Soderberg Stanerson Steckman Stutsman Taylor, R. Taylor, T. Thede Thomas Upmeyer Vander Linden Watts Wessel-Kroeschell Winckler Windschitl Wolfe Worthan Mr. Speaker Paulsen

The nays were, 1:

Alons

Absent or not voting, 3:

Olson, R. Ruff Wood

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

On motion by Hagenow of Polk, the House was recessed at 5:05 p.m., until 6:30 p.m.

EVENING SESSION

The House reconvened at 11:58 p.m., Speaker Paulsen in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on May 22, 2013, concurred in the House amendment to the Senate amendment and passed the following bill in which the concurrence of the Senate was asked:

<u>House File 489</u>, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including applicability and effective date provisions.

Also: That the Senate has on May 22, 2013, amended and passed the following bill in which the concurrence of the House is asked:

<u>House File 625</u>, a bill for an act relating to the school tuition organization tax credit by allowing the tax credit for contributions made by certain entities, increasing the amount of total approved tax credits, and including effective date and retroactive applicability provisions.

Also: That the Senate has on May 22, 2013, amended and passed the following bill in which the concurrence of the House is asked:

<u>House File 648</u>, a bill for an act relating to state and local finances by making transfers and appropriations and including effective date and applicability provisions.

Also: That the Senate has on May 22, 2013, adopted the Conference Committee report and passed Senate File 446, a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, providing penalties, and including effective, retroactive, and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted during voting as follows:

Dunkel of DubuqueOlson, R. of PolkRuff of ClaytonSands of LouisaWolfe of ClintonWood of Scott

MOTION TO RECONSIDER (Senate File 452)

I move to reconsider the vote by which <u>Senate File 452</u> passed the House on May 22, 2013.

UPMEYER of Cerro Gordo

EXPLANATIONS OF VOTE

On May 22, 2013, I was necessarily absent during voting in the House chamber. Had I been present, I would have voted as follows:

House File 215 - "aye"

DUNKEL of Dubuque

On May 22, 2013, I was necessarily absent during voting in the House chamber. Had I been present, I would have voted as follows:

House File 640 - "aye"

WOOD of Scott

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

CARMINE BOAL Chief Clerk of the House

Senate File 295, a bill for an act establishing a property tax credit for commercial, industrial, and railway property, providing penalties, making appropriations, and including implementation and applicability provisions.

ON THE PART OF THE HOUSE: ON THE PART OF THE SENATE:

TOM SANDS, CHAIR CHRIS HAGENOW JO OLDSON STEVE OLSON ROGER THOMAS

JOE BOLKCOM BILL DIX WILLIAM A. DOTZLER, JR. RANDY FEENSTRA

MATT McCOY, CHAIR

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

CARMINE BOAL Chief Clerk of the House

<u>Senate File 446</u>, a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, providing penalties, and including effective, retroactive, and applicability date provisions.

ON THE PART OF THE HOUSE: ON THE PART OF THE SENATE:

DAVE HEATON, CHAIR MARK COSTELLO JOEL FRY JACK HATCH, CHAIR JOE BOLKCOM AMANDA RAGAN

AMENDMENTS FILED

H-1460	<u>H.F.</u>	648	Soderberg of Plymouth
<u>H-1461</u>	H.F.	489	Pettengill of Benton
H-1462	<u>H.F.</u>	625	Senate Amendment
H-1463	H.F.	648	Senate Amendment

On motion by Upmeyer of Cerro Gordo, the House adjourned at 11:58 p.m., until 9:00 a.m., Thursday, May 23, 2013.